



The Research Review



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May 17, 2007



With the third week of May coming to an end, House committees are completing their calendars and closing. The Children & Family Affairs, Consumer & Employee Affairs, Judiciary and Transportation Committees are now closed subject to the call of their Chairs. Several other committees have final calendars next week.

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Photo of the week:



Jon “Bowzer” Bauman gives his approval of a measure brought before the House last week. Bauman, whose “Bowzer” character was a popular member of the band Sha Na Na, lobbies on behalf of musical groups to keep acts with no connection from misleading the public by performing under their names.

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Agriculture

Jeremy Maxwell



Rep. Bell

Agriculture Committee met Tuesday to consider eleven bills on calendar. The following bill was **referred to Calendar and Rules as amended**:

HB 1703 (Bell) states it to be an offense for any person to knowingly use a pesticide in a manner inconsistent with its labeling so as to cause harm to persons, animals,

property or the environment. A violation of this section is a Class A misdemeanor punishable by fine or a term of imprisonment not to exceed thirty (30) days, or both.

The following bills were **referred to FWM**:

HB 255 (Odom) adds swine to list of animals for which it is a Class E felony to own, train, or use for fighting for the purpose of amusement, sport, or gain.

HB 347 (Tidwell) authorizes the University of Tennessee to construct a Biomass Research Complex and encourages the University of Tennessee to establish a research program in the development of switchgrass as an alternative fuel.

The following bills were **rolled one week**:

HB 439 (Floyd) prohibits smoking in certain food service establishments to which children are granted access; prohibits smoking in all buildings owned or operated by county or municipal government.

HB 441 (Floyd) prohibits smoking in certain motor vehicles whenever any minor is present in the vehicle.

HB 1395 (Jones, U) allows restaurant to choose to have a designated smoking area or to allow children service in the establishment, but not both.

HB1851 (Bone) enacts the “Non-Smoker Protection Act” which prohibits smoking in any public place except for certain types of establishments that are defined.

HB 2072 (Maddox) expands prohibitions on smoking on school grounds.

HB 2336 (Odom) creates the Tennessee Smokefree Air Law of 2007 which prohibits smoking in any enclosed public place and outdoor arenas.

HB1851 (Bone) enacts the “Non-Smoker Protection Act” which prohibits smoking in any public place except for certain types of establishments that are defined.

HB 2072 (Maddox) expands prohibitions on smoking on school grounds.

HB 2336 (Odom) creates the Tennessee Smokefree Air Law of 2007 which prohibits smoking in any enclosed public place and outdoor arenas.

The following bill was **deferred to last calendar**:

HB 1583 (Fitzhugh) prohibits cigarette manufacturers from targeting advertisements toward significant youth audiences.

The following bill was **deferred to January 2008**:

HB 1168 (Sontany) authorizes chemical capture of companion animals by certified animal control agencies.



Children & Family Affairs

Amelia Mitchell

The Children and Family Affairs Committee and its subcommittees are closed.



Commerce

Matt Barnes

Full Committee



The **Commerce Committee** met Tuesday with 14 bills on its regular calendar and an addendum containing 3 bills passed out of subcommittee before the full Commerce meeting. Those bills, HB 59, 2319 and 2202, were rolled for one week, as was HB 2330. HBs 1551, 2043 and 2301 were taken off notice and HB 1948 rolled to 2008.

HB 2165 (Briley), with an amendment that rewrites it, permits cemetery owners to go to Davidson County Chancery Court to obtain relief from making payments into improvement care trust funds. When such funds are sufficiently large to ensure the permanent maintenance and upkeep of the cemeteries, the owners may ask to discontinue making contributions or to reduce contributions. [*passed to Finance, Ways and Means as amended*]

HB 2255 (Briley), with an amendment that rewrites the bill except for the effecting clause, allowing the mortality tables adopted by the National Association of Insurance Commissioners (NAIC) for life insurance contracts to be used by insurers to determine adjusted premiums, present values and reserve values. The tables may be used by insurers on or after January 1 of the year following NAIC adoption unless the commissioner of Commerce rejects the table by issuing a bulletin on the department website and through the mail to all life insurance companies. Further, regarding unfair practices in the insurance business, the amendment makes it an unfair practice to replace a life insurance policy or annuity contract in a manner contrary to rules promulgated by the commissioner. The commissioner shall also have the authority to protect members of the U.S. Armed Forces from dishonest and predatory insurance sales practices by declaring certain practices to be false, misleading, deceptive, or unfair. [*passed to Calendar and Rules as amended*]

HB 2232 (Briley), with an amendment that rewrites it, authorizes the commissioner of Commerce and Insurance, after providing notice and the opportunity for a contested case hearing in accordance with present law, to order an insurer to pay a civil penalty of not more than \$1,000 for each violation. The penalty shall not exceed \$100,000 in the aggregate unless the insurer knowingly violates a statute, rule or order. In that case, the penalty shall not exceed \$25,000 for each violation and not more than \$250,000 in the aggregate. The commissioner may also suspend or revoke a license. [*passed to Calendar and Rules as amended*]



HB 2249 (Coleman), with an amendment that rewrites it, clarifies the instances in which the TBI and the Office of Inspector General have access to information contained in the Controlled Substances Database. A second amendment changes the authoritative department of the Controlled Substances Monitoring Act from Commerce to Health. [*passed to Calendar and Rules as amended*]

HB 69 (Turner, M.), with an amendment that rewrites it, requires the purchaser to provide to the seller an acceptable form of identification for every motor vehicle sold in the state, with certain exceptions. Such identification may include a driver license, birth certificate, state-issued identification, military identification, or a passport. The exceptions include situations in which the purchaser has a licensed driver in the household; the vehicle will be used by a person with a driver license; the vehicle is a gift for a licensed driver; the purchaser is handicapped or disabled; the purchaser is a senior citizen; or the vehicle is a classic or collectible. [*passed to Finance, Ways and Means as amended*]



Commerce

Matt Barnes

The Competitive Cable & Video Services Act



Rep. McDaniel

HB 1421 (McDaniel), with an amendment that rewrites it, enacts the “Competitive Cable and Video Services Act,” requiring an entity seeking to provide cable or video service over a cable system or video service network to file an application with the Tennessee Regulatory Authority for a state-issued certificate of franchise authority.

The original bill requires the application to be filed with the Secretary of State. The amendment contains the language of the original bill in addition to certain changes and additions having to do with right-of-way, PEG channels, consumer protection, the definition of “gross revenue,” and local government audit rights, among other changes.

The amendment also contains build-out provisions requiring a cable or video service provider that has more than 1 million telecommunication access lines in the state and is using telecommunication facilities to provide cable or video service to provide access to cable or video service to at least 25 percent of households in the service area within 3 years and at least 50 percent of households within 6 years. The provider would not be required to meet the 50 percent requirement until 2 years after at least 30 percent of households with access to the service actually subscribe for 6 consecutive months.

This amendment, as well as three others by Rep. Kelsey, was previously adopted by the Utilities, Banking and Small Business Subcommittee. The committee adopted the main amendment and another that incorporates all of Rep. Kelsey’s previous amendments and adds additional language.

Rep. Kelsey’s new amendment:

- requires a franchise holder to designate network capacity sufficient for PEG channels within 90 days, instead of 180 days, after written request by a

municipality or county. The amendment removes the provision whereby a franchise holder could take away PEG channel capability if a municipality or county does not use it for at least 15 hours of nonduplicative original programming per month;

- requires the mediation award provisions to stand “whether or not the parties agree with that determination;”
- establishes that a PEG channel is deemed activated if the municipality or county simply certifies that it is being utilized for PEG programming within the municipality or county. The amendment deletes the language requiring the PEG channel to be utilized for at least 15 hours of nonduplicative original programming per month for it to be deemed activated; and
- requires every PEG channel to be provided to all subscribers of cable or video services in the municipality or county (new language not previously adopted by the subcommittee).

The committee then took up and adopted additional amendments by Rep. McDaniel on behalf of AT&T. These amendments:

- authorize an additional PEG access support fee not to exceed one percent of gross revenues;
- allow incumbent holders of local franchises to terminate such franchises and seek state franchises;
- allow locals to select the mediator;
- allow locals to adjust the location of video or cable boxes within the right-of-way if technically feasible; and
- allow locals to contract with third parties for the collection of franchise fees.

The committee ran out of time during the discussion of an amendment by Rep. McDaniel on low-income build-out. The committee has received at least 30 other amendments that have yet to be addressed. *[rolled one week as amended]*



Commerce

Matt Barnes

HR 60 (Kernell), with an amendment that rewrites it, asks Congress to consider all concerns both positive and negative to the result of all bilateral or multilateral agreements, partnerships or activities while considering also the potential for providing comments and concerns from all parties, not limited to state and local governments. *[passed to Calendar and Rules as amended]*

HB 415 (Todd) with an amendment that rewrites it, delays the locksmith licensing requirement until July 1, 2008, and allows the commissioner of Commerce and Insurance to begin administering examinations and issuing licenses when such examinations become available. Students involved in locksmith training programs are exempt from the provision restricting the possession or use of locksmithing tools so long as the tools are used in accordance with such programs. The amendment also exempts from testing requirements those locksmiths who provide proof of at least five years' locksmithing experience. *[passed to Finance, Ways and Means as amended]*



Rep. McCormick

HB 1726 (McCormick), with an amendment that rewrites it, encourages insurance providers to develop plans that provide coverage for basic and essential health care needs. Such plans would only be offered to members of the National Federation of Independent Business, described in the

amendment as a Tennessee non-profit corporation in existence for at least five years and organized as a trade association for the purpose of serving employers with no more than 50 employees. Such plans would be exempt from mandated coverages. *[sent to summer study as amended]*

Industrial Impact Subcommittee

The **Industrial Impact Subcommittee** met Tuesday before full Commerce with two bills on calendar, including the Addendum.

HB 59 (Turner, M.), with an amendment that rewrites it, requires any contractor or subcontractor who employs or utilizes a welder to perform welding work to keep documentation related to the project and to the welder's certification on file for at least a year following completion of the project. "Welding work" is defined in the amendment as being in power piping, fuel gas piping, gas transmission, process piping, or liquid transportation systems. *[passed to full committee as amended]*

HB 2319 (Litz), as the sponsor stated, is a caption bill for fire prevention. The subcommittee moved the bill to full committee pending an amendment. *[passed to full committee]*

The subcommittee is now closed subject to the call of the chair.

Utilities, Banking and Small Business Subcommittee

The **Utilities, Banking and Small Business Subcommittee** met Tuesday before full Commerce to hear one bill.

HB 2202 (Kernell) allows an authorized agent of the owner, in addition to the owner, of private property from which a car is to be towed to the list of those who may give authorization to a towing firm to tow the car. *[passed to full committee]*

The subcommittee is now closed subject to the call of the chair.



Conservation & Environment

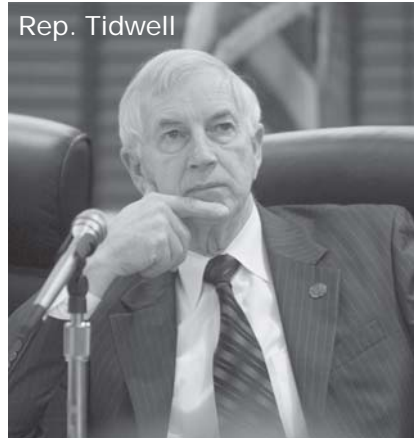
Jeremy Maxwell

The Conservation and Environment Committee met Wednesday to consider two bills on calendar. The following bill was **referred to Calendar and Rules: HJR 472** (McDonald) urges Tennessee Valley Authority to pursue energy efficiency efforts.

The following bill was **rolled one week:**

HB 332 (Tidwell) replaces provision under which licensed professionals with proof of errors and omissions insurance are exempt from bonding requirements for subsurface sewage disposal systems with exemption for all state licensed professional engineers or registered engineer interns; limits applicability of bonding requirements for soil scientists, soil consultants, and percolation testers to persons whose approval has been suspended or revoked and later reinstated.

Rep. Tidwell

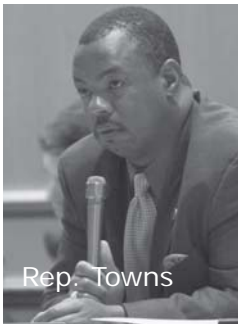




Consumer & Employee Affairs

Lucy Wilson

House Consumer & Employee Affairs Committee heard three bills at their last meeting.



Rep. Towns

HB 1489 by Towns passed to Calendar & Rules. This bill renames the “Tennessee Identity Theft Deterrence Act of 1999” to “Tennessee Identification and Personal Information Protection Act of 2007. As amended,

it will address identity theft and how an individual’s social security number may and may not be used.

This bill makes it unlawful for credit reporting agencies to do the following:

- engage in identity theft;
- post a person’s social security number (SSN);
- print a person’s SSN on any card required by individual to access products or services;
- require individual to transmit SSN over unsecure Internet connection;
- use SSN to access a website;
- print individual’s SSN on materials mailed unless state or federal law requires such; and
- print individual’s SSN on a post card, or visible on an envelope.

HJR 553 by Turner M proposes a constitutional amendment to establish a minimum wage for persons employed within this state at a rate not less than the federal minimum wage and provides for an automatic increase whenever Congress fails to increase the minimum wage for five full calendar years. This resolution passed to Finance, Ways and Means.

HJR 554 by Turner M creates a special joint study committee on issues relating to workers’ compensation including the following:

- Impact of 2004 reform legislation
- Use of mediation and alternative dispute resolution in WC system
- Use of independent medical examiners
- Use of lists of medical providers as exclusive lists for obtaining medical care
- Delivery of health care in the system in general
- Use of safety committees in the system
- The drug-free workplace program
- Use of collective bargaining agreements to agree to binding obligations and procedure

The Committee will report its findings and recommendations no later than December 10, 2007, at which time the Committee shall cease to exist. This resolution passed to Finance, Ways and Means.

Rep. Turner





Education

Pam Mason

The Education Committee met on Tuesday and Wednesday of this week to consider its calendar. Action follows:

Referred to Calendar & Rules, if amended:

HB 2294 – (Winningham) rewrites the bill to remove language in the Code that references a two track high school curriculum.

Referred to Finance, Ways & Means:

HB 2071 – (Maddox) the department of education is authorized to offer grants to public or not-for-profit organizations for adult basic education programs in a school after normal school hours. The money for such is to come from excess lottery funds.

The Lottery Omnibus Bill

Referred to Finance, Ways & Means, if amended:

HB 653 – (Winningham) is the Lottery Omnibus Bill.

A breakdown by section follows:

Sections 1 – 3 Raises award amounts to 4-year, \$4,000; 2-year, \$2,000; Wilder/Naifeh, \$2,000.

Sections 4 – 7 Changes existing and adds new definitions for other changes in the bill.

The grade point average is defined as the institutional cumulative grade point average.

Sections 8 – 12 Changes income limit for ASPIRE awards, access grants and nontraditional scholarships from adjusted gross income not exceeding \$36,000 to \$45,000.

Sections 13 – 15 Changes the need-based requirement for ASPIRE award, access grant and nontraditional students award and allows students to have two income-related ways to qualify.

Sections 16 – 31 Eligibility for HOPE to be reviewed at the end of the academic year rather than after attempting 24, 48, 72, and 96 semester hours and 120 hours if in program requiring 120 hours.

Changes cumulative GPA for continuing eligibility from 2.75 after 24 hours attempted and 3.0 at the benchmarks to 2.75 at end of academic year.

Changes provision about one-time possible regain of HOPE lost for not maintaining GPA to being able to regain at end of any semester student has a 2.75.

Provide a HOPE of 50 percent of full HOPE for students with at least a 2.5 GPA; \$2,000 for students at 4-year institution and \$1,000 for students at 2-year institution. May regain full scholarship if 2.75 GPA is met.

Changes termination for a scholarship from:

1. Student earns baccalaureate degree
2. Student has attempted a total 120 semester hours or
3. Five years have passed from date of student's initial enrollment

TO:

1. Student has earned a baccalaureate degree or
2. Student has been enrolled for five full-time equivalent years

HOPE changes for nontraditionals include 21 years of age and never been to college or out for at least 2 years; achieve at least a 2.75 after 12 hours; and cannot qualify for a partial HOPE.

Section 32 Allows student to drop from full-time to part-time in one semester one time without loss of HOPE.

Sections 33 – 35 Technical corrections to the HOPE foster children tuition grant so that financial aid to be repaid does not diminish the amount of the HOPE grant received.

Sections 36 & 37 Lists requirements for children of full-time religious workers in foreign countries to be eligible for HOPE.



Education

Pam Mason

Section 38 Dual enrollment students may take six courses in junior and senior years with lottery proceeds. Section 39 & 40 Nontraditional changes in that only hours taken can be calculated in cumulative collegiate GPA. Enrollment after entering college shall count against the five full-time years of enrollment.

Sections 41 & 42 Allows licensed private school teachers to be eligible for HOPE teacher's scholarship for math and science teachers. To satisfy the work obligation teachers may:

Elect to become public school teachers and teach two years for each year of funding; **or**

Teach in a private school two years for each year of funding and participate in an LEA assistance program.

Section 43 Allows students entering college within 16 months of high school graduation and meeting all nonacademic requirements for HOPE but did not qualify academically, to gain HOPE. Student must achieve a 2.75 at end of any academic year and maintain that GPA.

Section 44 Provides a bonus award for juniors who maintain a cumulative GPA of 3.0 at end of every semester before becoming a junior and for seniors who do the same.

Section 45 Establishes the Tennessee student assistance fund and transfers the lottery for education account to the fund. Monies shall be invested and the interest earned annually shall be used to provide additional student assistance awards for low-income students. The amount to remain in the fund as the principal amount is two hundred million dollars.

HB 2283 – (Winningham) rewrites the bill and creates the “Tennessee Education Lottery Scholarship Free Community College Program”. Requirements for eligibility include: be admitted and enrolled in an eligible Tennessee public community college no later than 16

months after high school graduation; attain an ACT composite score of 19; attain an ACT reading score of 19; attain an ACT math score of 19; and apply for all available nonrepayable financial aid. To retain the scholarship a student shall retain the cumulative GPA as required for a HOPE. The student may continue to receive until an associate degree is earned or a total of 60 credit hours have been earned. Any student who receives an associate degree and achieves the required cumulative GPA at end of semester a degree is earned may apply for a HOPE to attend an eligible four-year institution.

HB 1014 – (Brown) directs the department of education, with assistance from the Tennessee higher education commission and the Tennessee student assistance corporation, to provide a web portal for students in the pilot programs and other Tennessee students in grades 8 – 12. The students will have access to test preparation aids linked to college preparatory tests and a vocabulary builder. Career self assessment and career matching assistance with appropriate academic programs in Tennessee colleges will also be available for student use.

HB 374 – (Briley) directs the department of education to enforce the “Individuals with Disabilities Education Act and Tennessee special education laws. Complaint procedures are defined. Special education due process cases are to be heard by administrative law judges employed by the secretary of state. The administrative office of the courts shall provide legal training in special education law to the administrative law judges. Neither an LEA attorney or a parent attorney shall be considered a member of an individualized education program team. The department of education, the state board of education, local boards of education and LEAs are prohibited from hiring anyone who the department of children's services has found to have committed abuse against a child pursuant to title 37. The department of education and all LEAs shall not hire anyone who has been found to have abused a child or an adult and whose name is on the state's vulnerable person's registry



Education

Pam Mason

or the state's sex offender registry.

Deferred 1 week:

HB 1046 – (Towns)

HB 1008 – (Brown)

HB 81 – (Cooper)

BEP Bills

HB 2293 – (Winningham)

HB 694 – (Winningham)

HB 239 – (Overbey)

HB 343 – (Winningham)

Lottery Dollars for Capital Projects

HB 2065 – (Maddox)

HB 2357 – (Winningham)

HB 1475 – (Fitzhugh)

HB 9 – (Hawk)

Taken off Notice:

HB 1340 – (Brown)

Failed

HB 795 – (Campfield)

The K-12 Subcommittee is closed.

The Higher Education Subcommittee is closed subject to the call of the Chair.



Finance, Ways & Means

Julie Travis & Patrick Boggs

Chairman Fitzhugh



The Full Committee

The House Finance, Ways, and Means committee met on Tuesday, May 15th to take action on eighteen bills.

The following bills were referred to Calendar and Rules:

HB 1809 (Pruitt) – This bill enables the Nashville Metro Council to enact certain taxes on hotels and motels, in addition to taxes on rental cars and cabs that leave the airport, to fund a prospective convention center in the downtown area.

HB 1752 (U. Jones) – This bill removes the requirement that an aquarium exhibition facility must be enclosed to qualify as a premier-type tourist resort for the on-premises consumption of alcoholic beverages.

HB 1856 (Litz) – This bill restores the premium tax credits available to county mutual insurance companies, which were erroneously eliminated during last year's session.

HB 2261 (Odom) – This administration bill, aimed at the practice of doctor shopping for prescription medications, makes the failure of a patient to disclose to a physician that the enrollee has obtained the same prescription within the past thirty days from another physician a Class E felony.

HB 1433 (M. Turner) – This legislation provides for a funding mechanism for the Gaylord Opryland Hotel and Convention Center. It does this by allowing Metropolitan Nashville to create a secondary tourism development zone within its borders, and to enact a special rooming tax inside that zone.

HB 1221 (Gilmore) – This bill requires each state department that issues permits for proposed projects or actions to provide personal notifications, though by mail is not required, to interested persons, and create a notification registry of interested persons.

HB 90 (Harmon) – This bill requires the annual inspection of all for-hire motor vehicles that accommodate eight or more passengers.

HB 2083 (Maddox) – This bill, with an amendment attached by the committee, transfers jurisdiction of the Big Cypress State Natural Area from the TWRA to the Department of Environment and Conservation. The amendment allows hunting to continue on the property, as well as access to any structures that are used by the TWRA.

HB 2088 (Maddox) – This legislation defines “personal support services agency” and “personal support services worker.” Each recipient of an agency’s services shall be sent a consumer notice before services commence. Likewise, each worker shall be provided with a certain information notice before the worker provides any service to the recipient.

HB 1876 (McDonald) – This bill creates a licensing program for geologists, along with an Advisory Committee for Geology. An amendment was placed on by the full committee that rewrote the bill. Only geologists licensed according to the provisions of this bill may perform geologic work for pay in this state, though the strictly academic teaching of the subject is still legal without licensing. Geologists must have five years of education or on-the-job training to qualify for licensure.



Finance, Ways & Means

Julie Travis & Patrick Boggs



Reps Hood, Odom

HB 2314 (Hood, Odom) – This bill, the administration's Jessica's Law, increases the penalty for Class A felony rape of a child from 15 years to 25 years minimum. Such person, when released, shall remain

on community supervision, including GPS tracking of movements, for the remainder of that person's natural life and may not petition for release from that supervision. According to the administration's funding letter, the remaining costs for implementing the GPS monitoring system in the bill, as amended, will be covered in the administration amendment to the appropriations bill.

HJR 433 (Tindell) – This resolution urges Congress to provide authorization and funding for a regional lab dedicated exclusively to child exploitation in Tennessee.

Deferred for one week in full committee:

HB 2139 (Pruitt) *as amended by FWM #1*
 HB 2332 (Curtiss, Odom)
 SJR 91 (R. Finney, *Hensley*)
 HB 2354 (Odom)
 HB 1276 (Lynn)
 HB 1995 (Miller)

The Budget Subcommittee

The Budget Subcommittee of the House Finance, Ways, and Means Committee met on Wednesday, May 15th, with fifty-seven bills and resolutions on its calendar.

Subcommittee actions for these bills are as follows:

Deferred for one week:

HB 114 (Shepard)
 HB 895 (Sargent)

HB 895 (Sargent)
 HB 1290 (Pinion) *as amended by BSA #1*
 HB 444 (Moore) *as amended by BSA #1*
 HB 729 (Hood)
 HB 1532 (L. DeBerry)
 HJR 155 (Brown)
 HB 1826 (Bone) *as amended by BSA #1*
 HB 454 (Hackworth) *as amended by BSA #1*
 HB 1641 (Ferguson) *as amended by BSA #1*
 HB 1425 (J. DeBerry)
 HB 2309 (Bass, Odom)
 HB 1972 (Armstrong) *as amended by BSA #1*

Bills deferred to the first calendar of 2008:

HB 1501 (Towns)

Bills deferred to the last subcommittee calendar:

HB 615 (M. Turner)
 HB 976 (Niceley)
 HB 1582 (Fitzhugh)

Bills referred to the study committee subcommittee:

HB 1345 (Shepard)
 HB 2251 (Odom) *as amended by BSA #1*
 HB 950 (Winningham)

Behind the Budget:

HB 1503 (Vaughn)
 HB 1081 (M. Turner)
 HB 1877 (Towns)
 HB 761 (Matheny)
 HB 651 (Winningham)
 HB 932 (Winningham)
 HB 1733 (Winningham)
 HB 1735 (Winningham)
 HB 1737 (Winningham)
 HB 877 (Lynn)
 HB 1518 (Hackworth)
 HB 1834 (J. DeBerry)



Finance, Ways & Means

Julie Travis & Patrick Boggs

Referred to full committee:

HB 1302 (West) – This bill states that any teacher in Davidson County that is dismissed is entitled to a review hearing before an impartial officer selected by the board. Appeal of the hearing may be made to chancery court.

HB 620 (M. Turner) – This bill encourages municipalities and counties to build gender friendly fire stations, or to retrofit existing stations to make them as gender friendly as possible.



HB 549 (Shepard) – This bill moves the Tennessee Board of Pharmacy from the Department of Commerce and Insurance to the Department of Health.

HB 2350 (Odom) – This bill extends the expiration date of the ICF/MR tax from June 30, 2007 to June 30, 2009. This is an administration bill.

HB 2308 (Odom) – This administration bill authorizes the Department of Environment and Conservation to impose civil sanctions for certain violations that occur in state parks.

HB 704 (McCord) – This bill requires oversight of deer processing establishments by the Department of Agriculture.

HB 1218 (McDonald) – This bill requires the Comptroller of the Treasury to conduct performance audits of state agencies responsible for the conservation of energy and to report back every five years to the General Assembly, the first report being due January 8, 2008.

HB 1154 (Buck) – This bill requires cities to perform an engineering study when localities lower speed limits on state highways in their jurisdiction.

HB 1822 (Buck) – This bill prohibits the social

security offset to workers' compensation benefits received by employees who become permanently and totally disabled after age 60 from being applied to death benefits awarded to the dependents of an employee over age 60 at the time of the work-related death. It also requires parties submitting medical records to supply copies to the opposing party, and the department is authorized to charge a fee for copying and mailing the requested records.

HB 1146 (Buck) – This bill requires the Commissioner of General Services to compile information regarding vehicles owned and purchased by the state that are fuel efficient, and to submit that information to the Governor and the General Assembly. The department is expected to make and effort to purchase at least 30% energy efficient vehicles.



HB 1141 (Buck) – This bill, as rewritten in the committee, requires all proceeds from forfeitures of conveyances, real property, or personal property used in the commission of a sexual offense to be deposited in the Child Abuse Fund. It further authorizes a county sheriff to collect an additional \$10 fee for the booking and processing of each person subject to arrest or summons, save those found by the court to be indigent. It also authorizes certain Board of Probations and Parole officers to carry handguns in the performance of their duties.

HB 1804 (Buck) – This bill increases the material to be published on the Department of Environment and Conservation's website. Specifically, it requires all directors' and commissioner's orders and all other enforcement actions and outcomes to be published weekly in their entirety in one location on the site.

HB 1428 (Pinion) – This bill authorizes the Department of Commerce and Insurance to issue a service release inspection for purposes of installation and inspection of manufactured home or modular building HVAC systems.



Finance, Ways & Means

Julie Travis & Patrick Boggs

HB 1206 (Pinion) – This bill defines “customary maintenance” and “destroyed” for billboard regulation purposes. It increases fees, with the funding going to litter prevention education.

HB 1885 (Overbey) – This bill creates the Polysomnographic Professional Standards Committee to license these practitioners within the Board of Medical Examiners.



HB 1645 (Mumpower) - This bill requires anyone in the construction industry to carry workers’ compensation insurance, save for anyone working on their own property or any sole proprietors or partners working directly for the homeowner for less than \$7,000. It also deletes the exemption that exists in Hawkins and Hancock counties not requiring any type of contractor to carry workers’ compensation insurance.

HB 2260 (Litz, Odom) – This administration legislation adds making a threat, including a false report, of a bomb or other explosive device to the list of zero tolerance offenses for which a student can be expelled for up to a year.

HB 1790 (U. Jones) – This bill requires that pre-K programs in the pilot project be funded the same as the programs in the “Voluntary Pre-K for Tennessee Act of 2005.”

HB 1818 (Hackworth) – This bill authorizes the Commissioner of Labor & Workforce Development to issue an order assigning temporary responsibility for paying benefits among insurance carriers when there is a dispute as to which carrier should pay benefits. It also extends the Joint Committee for Workers’ Compensation for an additional five years.

HB 2126 (Fitzhugh) – This bill requires the EMS Board to promulgate rules to require inspection of air ambulance medical equipment and supplies and to require issuance of a healthcare inspection verification sticker.

HB 2128 (Fitzhugh) – This bill stipulates that any employee who received unemployment benefits shall not be entitled to temporary total disability benefits for the same weeks they received unemployment.

HB 1587 (Fitzhugh) – As rewritten by the subcommittee, this bill creates a tourism development zone for the area around the Memphis Fairgrounds and Liberty Bowl.

HB 2248 (Ferguson, Odom) – This administration bill increases the penalty for elder abuse from Class A misdemeanor to Class E felony.

HB 1992 (Ferguson) – This bill authorizes Roane County to adopt the sale of surplus property via the internet.

HB 1452 (Favors) – This bill requires health insurance issuers to develop and implement procedures to ensure that providers are regularly informed of information maintained by the issuer to evaluate the performance or practice of the providers.





Government Operations

Kristina Ryan

The House Government Operations Committee met on Wednesday, May 16, 2007 to take action on nine bills. **HB 1823** by Representative Casada was rolled to next year and **HB 1749** by Representative Kernell was deferred to the next calendar. The remainder of the calendar consisted of sunset bills.

The following bills were sent to Calendar and Rules:

HB 2026 by Rep. Kernell – Extends the Department of Personnel to June 30, 2010.

As amended, this entity would extend to June 30, 2011.

HB 498 by Rep. Kernell – Extends the Department of Finance and Administration.

Amendment #1 would remove the health planning initiative out of the department.

Amendment #2 would extend this entity for two years until June 30, 2009.

HB 2015 – by Rep. Kernell – Extends the Commission on Aging to June 30, 2011.

HB 2006 – by Rep. Kernell – Extends the Department of Children's Services Standards Committee to June 30, 2011. Amendment #1 corrects a code reference.

HB 2012 by Rep. Kernell – Extends the Department of Children's Services.

The amendment placed on the bill extends this department for one year to June 30, 2008.

HB 2020 by Rep. Kernell – Extends the Interstate Compact on the Placement for Children to June 30, 2011.

HB 2022 by Rep. Kernell – Extends the Standards Committee, Department of Human

Services to June 30, 2011. Amendment #1 corrects a code reference.



Health & Human Resources

Judy Narramore



Chairman
Armstrong

Full Committee

The **Health & Human Resources Committee** met Tuesday, May 15, 2007, to begin considering 19 bills on the **final calendar** of 2007, including the Addendum.

Four bills were *referred to Calendar & Rules*:

HB 2298 (S. Jones) as amended revises existing statute to prohibit a healthcare facility from requiring an uninsured patient to pay for services in an amount that exceeds 175 percent of the cost of the services provided, calculated using the cost to charge ratio (defined in the amendment) in the most recent Joint Annual Report, and requires healthcare facilities to develop and post a concise statement of its charity care policies for use by members of the public.

HB 0806 (Odom) as amended establishes a genetic counselors' license under the regulation of the Board of Medical Examiners.

HB 0812 (Odom) as amended revises continuing education requirements for dentists and dental hygienists and subjects registered dental assistants to continuing education requirements.



Rep. Overbey

HB 0964 (Overbey) as amended revises existing referral requirements for patient access to physical therapy services. After a lengthy debate and recess for testimony, HB 0964 was referred to C&R with five amendments 13-5-3 on a roll call vote. Amendment 1 enumerates the conditions and parameters that must be met prior to a physical therapist treating a patient without

a referral, i.e., direct access, and changes the requirement for the approved course that is required for exemption from the referral requirement for physical therapists that have at least three years experience from an 18-hour course to a 15-hour course offered by an accredited university. Amendment 2 prohibits physical

therapists from performing spinal adjustments/spinal manipulations. Amendment 3 adds a severability clause. Amendment 4 reduces the number of days in which a physical therapist may treat a patient without notifying the patient's doctor from 45 to 30 days. Amendment 5 changes references to the Board of Occupational and Physical Therapy Examiners to the Board of Physical Therapy (pursuant to Public Chapter 115 of the 105th General Assembly).

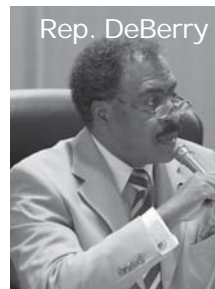
Four bills were *referred to Finance, Ways & Means*:

HB 1781 (U. Jones) as amended creates a 13-member advisory committee to study the accessibility and efficiency of emergency medical care in Shelby County. The advisory committee will issue recommendations and an action plan for the increased cooperation and efficiency of emergency care in Shelby County to the Mayor of Shelby County and the Mayor of the City of Memphis no later than December 15, 2007, at which time the committee will dissolve.

HB 1669 (Mumpower) as amended concerns the Health Related Boards and fees that may be charged for copies of hospital medical records. Amendment 1 rewrites the bill to update and reorganize various boards under the Division of Health Related Boards within the Department of Health. Amendment 2 increases the fees associated with copying a patient's hospital medical record and authorizes and establishes a fee for certifying a hospital medical record.

HB 1976 (Hensley) establishes a 21-member study commission on health care to study the reasons and consequences for Tennesseans being uninsured and to make appropriate recommendations. The commission will cease to exist on June 30, 2010.

HB 1892 (J. DeBerry) enacts the "Tennessee Nurse Home Visitor Program Act" to establish a nurse home visitor program to provide regular, in-home, visiting nurse



Rep. DeBerry



Health & Human Resources

Judy Narramore

services to low-income, first-time mothers during their pregnancies and through their children's second birthday.

In other committee action, **HB 0301 (Overbey)** (access to hospital medical records) was briefly discussed and then rolled at the request of Rep. M. Turner for review of the amendment offered by Rep. Overbey that rewrites the bill. **HB 1268 (Lynn)** (Health Services and Development Agency) was re-referred to the Health Care Facilities Subcommittee. **HB 0486 (S. Jones)** (medical marijuana) was referred to summer study committee at the request of the sponsor. **Rep. J. DeBerry** rolled **HB 2182** (dentists) to the heel of today's calendar. As committee time expired, the remaining bills on calendar were rolled to the next meeting: **HB 1960, HB 1618, HB 0283, HB 2063, HB 0241, HR 0151, and HJR 0562.**

The three subcommittees of the Health & Human Resources Committee are closed.



Judiciary

Jamie Wyatt



Rep. DuBois

The Full Judiciary Committee

The Judiciary Committee met to consider its last calendar. The Judiciary Committee is closed subject to the will of Chairman Briley.

The following bills were approved for passage and sent to the Finance, Ways and Means Committee:

- **HB 586 by Rep. DuBois**, as amended, creates a Class E felony offense for any person, including an enrollee, recipient, or applicant, who knowingly obtains or attempts to obtain controlled substance benefits with the intent to deceive by failing to disclose to a physician, nurse practitioner or other health care provider from whom the person obtains a controlled substance or a prescription for such, that the person has received either the same controlled substance or prescription of the same controlled substance or one of similar therapeutic use from another practitioner within the previous thirty days and the person used TennCare to pay for either the visit or for the prescription.
- **HB 1598 by Rep. K. Brooks** creates a homestead exemption not to exceed \$25,000 for a person who has custody of one or more minor children living on his or her real property and such property is principal place of residence.

HB 1835 by Rep. J. DeBerry, as amended, creates a separate offense of possessing a firearm with the intent to go armed during the commission of or attempt to commit a dangerous felony. It also creates a separate offense to employ a firearm during the commission of a dangerous felony, attempt to commit a dangerous felony, flight or

program whereby the person is permitted supervised or unsupervised release into the community prior to service of the entire mandatory minimum sentence imposed. It imposes mandatory minimum sentences and requires such mandatory minimums to be served one hundred percent. A violation of possessing a firearm with the intent to go armed during the commission or attempt to commit a dangerous felony is a Class D felony, punishable by a minimum of three years. It will be a five year sentence if the defendant, at the time of the offense, had a prior felony conviction. A violation of the offense to employ a firearm during the commission of a dangerous felony, attempt to commit a dangerous felony, flight or escape from a commission or attempt to commit a dangerous felony is a Class C felony, punishable by a six year sentence. It becomes punishable by ten years if the defendant, at the time of the offense, had a prior felony conviction.

The following bills were approved for passage and sent to Calendar and Rules:

- **HB 1828 by Rep. Todd**, as amended, requires the redaction of personal information of any law enforcement officer in the possession of a governmental entity where there is reason not to disclose such information as determined by the chief law enforcement officer or his or her designee. Personal information includes the officer's residential address, home and personal cellular telephone number, place of employment, name, work address and telephone numbers of the officer's immediate family, name, location and telephone number of any educational institution or daycare provider where the officer's spouse or child is enrolled.



Rep. Todd



Judiciary

Jamie Wyatt

The officer shall receive notice prior to disclosure of the personal information and shall be given a reasonable opportunity to be heard and oppose the release of the information. If the chief decides to withhold the information, a specific reason must be given within two business days to the requestor and the file must be released with the personal information redacted.

- **HB 582 by Rep. DuBois**, as amended, requires a defendant's prior convictions be considered as evidence against alternative sentencing for such defendant. Therefore, a defendant who is being sentenced for a third or subsequent felony conviction involving separate periods of incarceration or supervision shall not be considered a favorable candidate for alternative sentencing. If a defendant with at least three felony convictions is otherwise eligible, the defendant may still be considered a favorable candidate if deemed appropriate by a drug court.

Off Notice

HB 1099 by Rep. Buck
HB 1100 by Rep. Buck

Summer Study

HB 1116 by Rep. Buck
HB 1477 by Rep. Sontany
HB 1591 by Rep. Bone



State & Local Government

Lawrence Hall, Jr.

This week the **State and Local Government** full committee had forty-nine bills on the calendar. Seven bills were passed to Calendar and Rules and five were passed to Finance, Ways, and Means. All other bills were rolled to next week's calendar or taken off notice. The full committee will have its final meeting next week.

Calendar and Rules:

-HB 887 by Montgomery – This bill revises the time period to file an action to invalidate a tax title issued for property sold for delinquent taxes.

-HB 1678 by Montgomery – This bill will prohibit adult-oriented businesses from being located within 1000 feet of a child care facility, a private, public or charter school, a public playground, a public recreational facility, a residence, or a place of worship.

-HB 1792 by Montgomery – Redefines property included in central business improvement districts.

-HB 1529 by Odom – This bill allows issuance of a special occasion license to certain 501(c)(3) organizations for selling wine in closed containers for consumption on or off premises.

-HB 2127 by Fitzhugh – This bill establishes provisions for the certification and education of municipal finance officers.

-HB 2289 by Shepard – This bill requires that a municipal solid waste region's plan include provisions for managing solid waste generated as a result of natural disaster and imposes a pre-disposal fee on tire dealers.

-HB 1998 by U. Jones – This bill increases maximum fine for making non-emergency 911 calls from \$50.00 to \$500.00.

Finance, Ways, and Means:

-HB 1033 by J. DeBerry – This bill authorizes counties and municipalities to adopt by resolution or ordinance a program of property tax relief for certain elderly homeowners.

-HB 1791 by Montgomery – This bill authorizes municipalities to acquire public facilities from third parties under certain circumstances.

-HB 219 by Odom – This bill prohibits smoking in any state owned, leased, or operated motor vehicle.

-HB 2158 by Briley – This bill provides that the department of revenue bears the burden of proving that a taxpayer's records are inaccurate for taxes on alcoholic beverages sold for consumption on the premises.

-HB 1080 by M. Turner – Authorizes registration of electronic records.

State Government Subcommittee is closed.

Local Government Subcommittee is closed.

Elections Subcommittee is closed.



Transportation

Jeremy L. Elrod

Full Committee

Per motion during session on Monday night, the full Transportation Committee met *after* the Public Transportation and Highways Subcommittee Tuesday morning, May 15, to hear **SJR140** (Dean). It authorizes “Lyle McDonald Bridge” highway signs on a bridge spanning State Route 840 in Rutherford County. It passed and was referred to the **Finance, Ways and Means Committee**.

The Transportation Committee is closed subject to the call of the chair.

Public Safety & Rural Roads Subcommittee

Public Safety & Rural Roads Subcommittee is closed subject to the call of the chair.

Public Transportation & Highways Subcommittee

Per motion during session on Monday night, the Public Transportation and Highways Subcommittee met Tuesday morning, May 15, after the Calendar and Rules Committee to hear **SJR140** (Dean). It authorizes “Lyle McDonald Bridge” highway signs on a bridge spanning State Route 840 in Rutherford County. It passed and was referred to the full **Transportation Committee** (see **Full Committee** above).

Public Transportation & Highways Subcommittee is closed subject to the call of the chair.

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Just days before his passing, House members honored Herbert L. Harper with House Joint Resolution 465, commending him for his years of service on the Tennessee Historical Commission. Mr. Harper died on May 14th, just twelve short days after receiving the honor. He had served 37 years as a member of the Commission, and 31 years as its Executive Director.

